



Appeal Decision

Site visit made on 31 May 2022 by Darren Ellis MPlan

Decision by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2022

Appeal Ref: APP/W3710/D/22/3295955

Ashwood Cottage, Smorrall Lane, Corley, Coventry CV7 8AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nazmul Miah against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 038383, dated 16 July 2021, was refused by notice dated 7 January 2022.
 - The development proposed is a detached garage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal site is within the Green Belt and so the main issues are:
 - whether the garage is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
 - the effect of the garage on the openness of the Green Belt; and
 - if the garage is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the proposal would be inappropriate development

4. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building.
 5. Policy DS7 of the Nuneaton & Bedworth Borough Council Borough Plan (2019) (BP) is consistent with the Framework in that it seeks to protect the Green Belt
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and that development should be restricted to that which is considered not inappropriate by the Framework, except where very special circumstances can be demonstrated. Neither the BP nor the Framework define 'disproportionate'.

6. The appeal property is a detached bungalow set in a generous plot. Although single-storey, the proposed triple garage would include a room in the roofspace and would be of a similar width to the existing bungalow. As such it would be of a considerable size and scale. The appellant describes that the site area measures over 1300 sq.m with the proposal covering approximately 7% of the site area. Nevertheless, size can be more than a function of volume and footprint and can include bulk, mass, and height. In this case, the scale and mass of the garage would be a substantial addition to the bungalow and not represent a modest addition to the site. Consequently, from the information before me, I am satisfied that the garage would amount to a disproportionate addition over and above the size of the original building. The extension would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

7. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.¹
8. The garage would have very limited visibility from the street and only when the entrance gates were open. Nevertheless, the garage would increase the visual and spatial bulk and massing of the property and therefore would result in a reduction in the openness of the Green Belt. However, given the single-storey nature of the garage and its position amongst a row of residential properties, that harm is limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and, having regard to the Framework, I afford this harm substantial weight.

Other Considerations

9. Extant planning permission exists for the erection of a two-storey dwelling with rooms in the roof space², however at the time of my site visit this development had not commenced. The Council's report for this application has not been provided so I am unaware which exception in the Framework was met by the proposed dwelling or if there were any very special circumstances which would make the proposal acceptable. I am therefore unable to directly compare the approved dwelling to the appeal scheme, and in any case this appeal has been determined on its own merits. Also, if I were to allow this appeal, there has been no mechanism presented to me that would prevent the construction of both the extant permission for the two-storey dwelling and the appeal garage development. This therefore could lead to the massing of built development being subsequently greater than its current existing situation and therefore having a greater impact on the Green Belt.
10. I acknowledge that planning permission has also been granted at 'Inglewood' next door for the demolition of the existing dwelling and associated

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

² Planning application ref. 037395

outbuildings, and the erection of a replacement dwelling and garage³. Again, I am unaware which exception this proposal fell under, however the description of the development states that outbuildings would be demolished as part of the proposal. It is possible that the reduction in floor space and volume of these outbuildings could have been used to off-set any increase in the size of the dwelling or garage. The appeal proposal before me does not include the removal of outbuildings or any other floor space or volume at the appeal property, and as such the approved dwelling and garage at 'Inglewood' are not directly comparable to the scheme before me.

Whether very special circumstances exist

11. The proposed garage would cause harm to the Green Belt by way of inappropriateness and reduction in openness, to which I afford substantial weight.
12. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the garage do not exist.

Conclusion and Recommendation

13. Accordingly, the proposal would conflict with BP Policy DS7 and with the Framework. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal be dismissed

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Chris Baxter

INSPECTOR

³ Planning application ref. 037659